

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00417

**Randall Gibson,**  
*Plaintiff,*

v.

**Eastern Energy Services, Inc.,**  
*Defendant.*

**ORDER**

Plaintiff Randall Gibson filed this lawsuit on behalf of himself and others similarly situated, alleging violations under the Fair Labor Standards Act. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 4. On November 11, 2021, defendant filed a motion to compel arbitration and motion to dismiss. Doc. 8. Plaintiff responded that he was unopposed to defendant's motion to compel. Doc. 10.

On January 6, 2022, the magistrate judge issued a report recommending that defendant's motion be granted in-part and denied in-part. Doc. 11. The magistrate judge recommended that the court deny defendant's motion to dismiss, and that the action be stayed and administratively closed pending arbitration. Doc. 11. Neither party objected to the report and recommendation.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The court grants defendant's motion (Doc. 8) in-part. The clerk of court is directed to administratively close the case, pending arbitration, and this action is hereby stayed until further order of the court. The parties shall notify the court within two weeks after the completion of arbitration and may move to re-open the case, if necessary, at that time.

*So ordered by the court on January 24, 2022.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge